

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CASE NO. 3:20-CV-629-FDW-DCK**

NIVILLA ROCKEE CAMPBELL,

Plaintiff,

v.

**CITY OF SHELBY, NC, JULIE McMURRAY,
RICK HOWELL, SCOTT HUFFSTETLER,**

Defendants.

ORDER

THIS MATTER IS BEFORE THE COURT on *pro se* Plaintiff's "Motion To Waive Mediation Fees" (Document No. 26) filed December 21, 2021. This motion has been referred to the undersigned Magistrate Judge pursuant to 28 U.S.C. § 636(b), and immediate review is appropriate. Having carefully considered the motion and the record, the undersigned will deny the motion without prejudice.

Pro se Plaintiff filed a similar motion/letter requesting the Court to waive mediation fees and/or costs on August 31, 2021. See (Document Nos. 18). The Court's previous Order on this issue included the following direction:

Under the circumstances of this case, the Court will direct that the pending motion be denied without prejudice. Plaintiff is respectfully encouraged to confer with PSAP counsel, when that person is assigned, to discuss the issue of mediation fees, and if appropriate, for PSAP counsel to confer with opposing counsel and/or the parties' proposed mediator. The undersigned is hopeful the parties and the mediator can resolve this issue without Court intervention. If those efforts fail, Plaintiff may file a renewed motion.

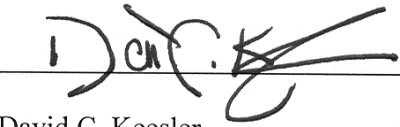
(Document No. 18)

The instant motion does not indicate that Plaintiff has discussed the issue of mediation fees and/or costs with PSAP counsel, opposing counsel, or the parties' mediator. As such, the motion is premature and the undersigned will again deny Plaintiff's request.

IT IS, THEREFORE, ORDERED that *pro se* Plaintiff's "Motion To Waive Mediation Costs." (Document No. 26) is **DENIED WITHOUT PREJUDICE**.

SO ORDERED.

Signed: December 22, 2021



David C. Keesler
United States Magistrate Judge

